IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

C.W.P. No. 864 of 2007

Date of decision: 27.9.2007

Priyanka Sharma **Petitioner**

Versus

H.P. University and another **Respondents**

Coram

The Hon'ble Mr. Justice Deepak Gupta, Judge.

The Hon'ble Mr. Justice V.K. Ahuja, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr. M.L.Sharma, Advocate

For the Respondent No.1 :Mr. V.D.Khidta, Advocate

For respondent No. 2 : Mr. R.K.Gautam, Senior Advocate, with Mr. Naveen Bhardwaj, Advocate

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Per Deepak Gupta, J. (Oral)

By means of this writ petition the petitioner has challenged the order terminating her service as Lecturer in Music in respondent No. 2 College. The main ground of challenge is that the termination of the services of the petitioner was not in accordance with ordinances of the H.P. University. Notice was issued in the petition on 2nd July, 2007. After notice was issued, the Registrar

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[1] ***Whether the reporters of the local papers may be allowed to see the Judgment?***

of the respondent-University wrote to the Principal of the College that the order of termination of the services of the petitioner is not in accordance with the ordinances of the University and directed that the petitioner be reinstated in the service. Immediately on receipt of this letter, the College sent a communication on 30th July, 2007 to the petitioner directing her to join her duties. A telegram was also sent on 30th July, 2007 and a letter was also sent to the petitioner on Ist August, 2007 wherein she was informed that she may join her duties on 3rd August, 2007. She did not join her duties. On 20th September, 2007 when the matter was listed before us and these facts were brought to our notice, we directed that in case the petitioner is interested to join the College, she may do so on or before 26th September, 2007. Today we have been informed that she has still not joined her duties. It is obvious that the petitioner who has been gainfully employed somewhere else is not interested in joining the services of the respondent-College. Therefore, no purpose would be served in passing any orders in the writ petition since the relief claimed by the petitioner already stands granted to her by the respondent-University, but she is not availing of the same.

Another prayer made in the writ petition is that the Principal of the College be personally directed to pay a sum of Rs. 1,00,000/- to the petitioner for mental torture and harassment caused to her. The Principal, who has been asked to pay the aforesaid amount, has not been arrayed as respondent in this writ petition. Therefore, this prayer also cannot be accepted. The writ petition is rejected in view of the aforesaid developments.

CMP No. 1497 of 2007

In view of the disposal of the main petition, this application also stands disposed of.

(Deepak Gupta), J.

September 27, 2007(K) (V. K. Ahuja), J.